

TO: Chair and Members

DATE: May 8, 2014

**SUBJECT: Status of Edward Byrne Memorial
Justice Assistance Grant Program.
Requesting Approval.**

AGENDA ITEM: H

**ACTION: X
INFORMATION:**

RESOURCE PERSON: Daryle McDaniel
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Summary:

This agenda item requests approval for the Board of State and Community Corrections (BSCC) staff to submit the application for funding in response to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, State Solicitation for Fiscal Year (FY) 2014/15 to the Bureau of Justice Assistance (BJA). If approved by the Board, this will meet the state application deadline of June 3, 2014.

On April 17, 2014, BJA released California's JAG program's tentative allotment of approximately \$19 million for the next fiscal year. Additionally, BJA has advised that it will revise this allocation in May 2014 if the Governor does not certify that California detention facilities are in compliance with the Prison Rape Elimination Act (PREA). Should California be non-compliant with this act, 5 percent in penalties will be taken from the JAG program. The tentative allotment is based on penalties not yet taken from the JAG allotment of approximately \$19 million.

The JAG Executive Steering Committee (ESC) is in the process of creating the infrastructure and program parameters for the grant-development strategy and the Request for Proposals (RFPs). The timeline for the work by this ESC will be extended to January 2014, due to the late notice of solicitation by BJA, the unavailability of JAG funds until that date and penalties that will be placed on the JAG program.

Background:

On April 17, 2014 BJA released the JAG Program State Solicitation with California's tentative allotment of approximately \$19 million. BSCC staff responded to the BJA application process with the state strategy that was approved by the Board on January 7, 2014.

California is subject to two federal statutes that could potentially reduce the overall JAG funding. Failure to certify that it is in compliance with the Sexual Offender Registration and Offender Act (SORNA) resulted in a 10 percent reduction in JAG funding that was already included in the approximately \$19 million allocation. A further reduction of approximately 5 percent will occur if the state does not fully comply with the Prison Rape Elimination Act (PREA).

On January 16, 2014 the Board approved the request from the California Department of Justice (CDOJ) to complete, submit and administer the reallocation of the JAG 10 percent penalty for a purpose consistent with SORNA. CDOJ has applied for reallocation funding to improve and

enhance the statutorily mandated CDOJ repository for sex offender records and provide resources for registering agencies. As a result, CDOJ submitted a “Request for Reallocation” to the U.S. Department Justice, Office of Sexual Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) office to acquire the 10 percent penalty. Using last year’s reallocation of funds, CDOJ conducted the Sex Offender Registration & Evidence-Based Best Practices Conference, on March 24, 25 and 26, 2014. The Conference was attended by 400 people from law enforcement agencies as well as prosecution personnel.

The PREA 5 percent penalty may be applied if the Governor signs non-compliance letter as requested by U.S. DOJ, indicating that the state currently does not fully comply with PREA within the California State Prison System. This certification letter is due to U.S. DOJ by the middle of May.

JAG Funding 2015/16:

When the 2013/14 fiscal year ends all current JAG programs will come to a close with no funding extensions. The JAG funding for the new fiscal year 2015/16 is due to start in January 2015. This would mean no new 2015 programs will be able to start until January 2015, at the earliest.

JAG Executive Steering Committee:

On January 16, 2014, the Board approved the JAG ESC’s three-year strategy recommendation for the new FY 14/15 grants.

The three-year funding will include:

1. Recommendations from the 2013 Stakeholder survey to give priority to the survey supported areas of:
 - Education and prevention
 - Law Enforcement
 - Prosecution, Courts, and Defense
2. The needs of small, medium, and large counties will be taken into consideration on funding allocations.
3. Funding will be based on local flexibility with the needs of the juvenile and adult criminal justice communities and input from a balanced array of stakeholders.
4. Applicants must demonstrate a collaborative strategy based on the *community engagement model* that involves multiple stakeholders in the project or problem addressed.
5. Some emphasis in the strategy will be given to the development of innovative and/or promising strategies to reduce and recidivism.

On April 23, 2014 the second ESC meeting was conducted. The ESC members began to develop JAG program parameters and the infrastructure recommendations. The ESC will meet for a third time to complete the tasks involved in the development of the Draft Request for Proposal (RFP) for the new grants. It should be noted that a third ESC meeting will be necessary to complete the RFP process. Staff anticipates being able to provide the draft RFP process to the BSCC at its July 2014 meeting for final approval.

Recommendation/Action Needed:

1. Approval to proceed with completing the FY 2014/15 BJA's State solicitation for JAG funds.